

(13)
12-3-01
scIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**GEORGE S. WORKINGER,**
Plaintiff,

v.

WILLIAM J. HENDERSON,
Postmaster General,
Defendant.

CIVIL ACTION NO. 1:CV-01-130

(Judge Kane)

FILED
HARRISBURG, PA

NOV 30 2001

MARY E. D'ANDREA, CLERK
Per 
Deputy Clerk**ORDER**

Currently pending before the Court is the Defendant's motion for a more definite statement. In response to the pending motion, Plaintiff failed to submit a brief in opposition as required by Local Rule 7.6.¹ He did, instead, file a letter stating, in essence, that any more definite statement would simply recapitulate facts articulated in documents attached to the complaint. Federal Rule of Civil Procedure 8 requires that a complaint provide "(1) a short and plain statement of the grounds upon which the court's jurisdiction depends, . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks." Fed. R. Civ. P. 8.² Simply pointing to attached documents is not sufficient to state a claim in federal court. The complaint itself must allege the wrongdoing complained of, and briefly describe the facts that cause the Plaintiff to make the charge. Therefore, the Court will grant Defendant's motion and require Plaintiff to file an amended complaint.

¹Plaintiff is required to comply with the local rules, which are available from the Clerk of Court, or at <http://www.pamd.uscourts.gov/docs/1-rules.htm>.

²Similarly, Plaintiff is required to comply with the Federal Rules of Civil Procedure.

Additionally, Plaintiff's letter to the Court states that the Court may appoint him counsel. If Plaintiff seeks such appointment, he must file a motion to that effect, specifying why he is unable to proceed unassisted. Upon such a motion, the Court will be able to consider whether to appoint counsel.

AND NOW, therefore, **IT IS ORDERED THAT** Defendant's motion for a more definite statement is **GRANTED**. Plaintiff is directed to file an amended complaint within 30 days of this Order. Failure to file such an amended complaint will lead to dismissal of this case.

A handwritten signature in black ink, appearing to read "Yvette Kane", written over a horizontal line.

Yvette Kane
United States District Judge

Dated: November 30, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

November 30, 2001

Re: 1:01-cv-00130 Workinger v. Henderson

True and correct copies of the attached were mailed by the clerk
to the following:

George S. Workinger
1170 Valley Green Road
Etters, PA 17319 Fax No.: 717-938-1194

Joseph J. Terz, Esq.
U.S. Attorney's Office
Room 217, Federal Building
228 Walnut St.
Harrisburg, PA 17108

cc:
Judge (☒)
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Ct Reporter ()
Ctroom Deputy ()
Orig-Security ()
Federal Public Defender ()
Summons Issued () with N/C attached to complt. and served by:
U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5 ()
Order to Show Cause () with Petition attached & mailed certified mail
to: US Atty Gen () PA Atty Gen ()
DA of County () Respondents ()
Bankruptcy Court ()
Other _____ ()

MARY E. D'ANDREA, Clerk

11-30-01

